

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

Stemler

I move that House Bill 1738 be amended to read as follows:

- 1                   Page 9, between lines 2 and 3, begin a new paragraph and
- 2           insert:
- 3                   "SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The
- 4           **following definitions apply throughout this SECTION:**
- 5                   (1) "Authority" refers to the River Ridge
- 6                   Development Authority or its successor.
- 7                   (2) "Department" refers to the department of
- 8                   natural resources, the governor, or any other
- 9                   office, commission, or department in the executive
- 10                  department of Indiana state government,
- 11                  regardless of name, that has authority to manage
- 12                  park property, control the use of park property, or
- 13                  sell, lease, exchange, or transfer park property or
- 14                  an interest in park property.
- 15                  (3) "Park property" refers to the Charlestown
- 16                  State Park and all water rights to water under
- 17                  Charlestown State Park.
- 18                  (4) "Water facilities" refers to water wells and the
- 19                  water system at River Ridge Commerce Center
- 20                  and the park property.
- 21                  (b) The department may not sell, lease, exchange, or
- 22                  transfer property or an interest in a property to another person for
- 23                  the purpose of allowing the selling of water from water wells
- 24                  located on park property without the prior approval of the

1 authority.

2 (c) The department shall maintain and operate the water  
3 wells associated with the park property in a manner that will  
4 assure that sufficient capacity exists to provide the amount of  
5 water needed by the authority.

6 (d) To the extent residual water capacity exists in excess of  
7 the obligations set forth in subsection (c), the department shall act  
8 in accordance with the following priorities for the use of excess  
9 water capacity:

10 (1) If sufficient residual capacity exists, the  
11 department shall provide water to utilities that  
12 abut River Ridge Commerce Center and that  
13 request water be supplied from the water facilities,  
14 including the foreseeable growth.

15 (2) If sufficient residual capacity exists, the  
16 department shall provide water to the Indiana  
17 communities and water utilities in Clark County  
18 that do not abut River Ridge Commerce Center to  
19 the extent that the water utilities request that  
20 water be supplied from the water facilities.

21 (3) If sufficient residual capacity exists, the  
22 department shall provide water to Indiana  
23 communities and water utilities outside Clark  
24 County.

25 (4) Only after the priorities specified in  
26 subdivisions (1) through (3) are satisfied may the  
27 department provide water to communities and  
28 water utilities outside Indiana.

29 (e) A contract or other agreement that is inconsistent with  
30 this SECTION is void to the extent of the inconsistency."

31 Renumber all SECTIONS consecutively.

(Reference is to HB 1738 as printed February 7, 2007.)

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Representative Stemler